

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-25301-2018

Date of decision:-23.8.2018

Naresh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.A.S. Virk, Advocate
for the petitioner.

Mr.Neeraj Poswal, AAG, Haryana.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner – Naresh Kumar – an accused in FIR No.43 dated 5.4.2018 under Section 8 of the Protection of Children from Sexual Offences Act, 2012 & Section 506/354 IPC, registered at Police Station Kalka, District Panchkula.

Shortly put, the prosecution story is that on 4.4.2018 at about 2:30 p.m. when the victim was returning home from the school, she had gone to shop of Naresh accused to find out the time, where Naresh outraged her modesty by indulging in obscene activities with her. The victim accordingly informed her mother, who lodged report with the police. Formal FIR was registered. The petitioner/accused was arrested on 6.4.2018. The petitioner had filed an application for regular bail in the Court of Sessions, which was declined by learned Additional Sessions Judge, Panchkula vide order dated 31.5.2018, as such, he has approached

this Court with the same request.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the parties besides going through the record.

The challan has since been filed and the trial against the petitioner/accused is going on. The statement of prosecutrix had been recorded. Though the acts attributed to the petitioner are indeed condemnable, however, there are no allegations of rape attributed to him. The conclusion of the trial is likely to take some time. The petitioner is behind the bars for the last more than four months. Therefore, it shall be in the fitness of things, if regular bail is granted to the petitioner.

Accordingly, the petition is allowed. The petitioner be admitted to bail during the pendency of the trial, subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Panchkula, subject to the following conditions:

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not give any threat or intimidation to the prosecution witnesses; and
- (iii) he shall not leave India without prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and

interfere in the trial.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

23.8.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No